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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,865	01/16/2004	Raynold M. Kahn	PD-200289	8015
20991 7590 09/25/2007 THE DIRECTV GROUP, INC. PATENT DOCKET ADMINISTRATION CA / LA1 / A109 P O BOX 956 EL SEGUNDO, CA 90245-0956			EXAMINER ABRISHAMKAR, KAVEH	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	Application No. 10/758,865	Applicant(s) KAHN ET AL.	
	Examiner Taghi T. Arani	Art Unit 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/18/2007, 3/15/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-17 have been examined and are pending.

### Response to Amendment

2. Applicant's amendment filed 05/08/2007 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record Son et al. (U.S. Patent Application Publication No. 2001/0017920, hereinafter "Son")) and further in view of Akiyama (US 200200001386)

**Claims 1, 10 and 19**, parts A through part D are anticipated by Son et al., elements 502-516, figure 5B, where it is understood that a "copy protection key" can be any key to decode the program material within the client/slave set top box (AKA integrated receiver/decoder). Paragraph 36 contains the detailed description of transferring both the copy protection key and the media to the client. Parts E and F are anticipated by elements 518-522.

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Son fails to teach c) means for encrypting the copy protection key at the host receiver using a host-client pairing key generated by the service prodder and shared between the host receiver and client receiver in order to share the program materials between the host receiver and client receiver, wherein the service provider establishes the host-client pairing key for a particular combination the host and client receivers.

However, in an analogous art Akiyama teaches (paragraph 0099) a conditional access system when each receiver apparatus has an individual master key. Akiyama teaches that [paragraph 0100] the conditional access system adopts a key configuration, as shown in, e.g., FIG. 3. More specifically, a work key  $K_w$  (i.e. a pairing key) which is specified for each channel and is common to all receiver apparatuses is encrypted using an individual master key  $K_M$ , and the encrypted key is sent. Furthermore, a channel key  $K_{ch}$  is encrypted using that work key  $K_w$ , and the encrypted key is sent (see also paragraph 0101).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Akiyama into the method and system of Son for encrypting the copy protection key at the host receiver using a host-client pairing key generated by the service prodder and shared between the host receiver and client receiver in order to share the program materials between the host receiver and client receiver, wherein the service provider establishes the host-client pairing key for a particular combination the host and client receivers, in order to prevent cryptanalysis and huge transmission volume caused by periodic changing of the channel key (protection key) as suggested by Akiyama (paragraph 0100)

**Claims 2, 11 and 20** are anticipated by modified Son within paragraph 34. It is understood that a media decryption key refers only to the key that encrypted the media, and this is referred to as "A first key" within Son.

**Claims 3, 12, and 21** are taught by modified Son et al. within paragraphs 29 and 30, where it states that the host-client pairing key is received from the broadcast system on an "off air packet" transmission: "A first key..., may have been received from the video on- demand source 402 via a communication channel that is separate from the one used to transmit the video program. (Paragraph 29)." And, "The second key [...] itself may be transmitted from the remote server 404 to the subscriber station 110 while encrypted in a third encrypted form. (Paragraph 30)." It is apparent that both the "host" and the "client" would receive said key.

**Claims 4, 13 and 22** are taught by modified Son within paragraph 29 and 30. It is inherent within the use of public key infrastructure (PKI, involving a public & private key set) that each key would be uniquely assigned to a device, whether it is the host or the client. Only within symmetric key cryptography is the key not uniquely assigned.

**Claims 5, 14 and 23** are taught by modified by Son within paragraph 36, where "...the remote server 404 responds by multiplexing the re-encrypted program in the second encrypted form (and the second key if necessary) with other signals to generate a multiplexed signal. (Paragraph 36)." This process is also done between the broadcaster and the server (or host receiver), as illustrated in Figure 5B. Thereby, both the host and client receivers would have to generate the "copy protection key" from the "content information" transferred thereto.

**Claims 6-8, 15-17 and 24-26** are taught by modified Son due to the inherency that content information involving content identification (based on the program materials) and copy

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control (otherwise known as Entitlement Management) encapsulated in what is typically known as Entitlement Management Messages is used to control the use of the program material in digital video broadcasting. Please see Wasilewski et al. (U.S. Patent No. 6,157,719) that shows inherency of EMM's within conditional access systems, and also see MPEP §2131.01

**Modified Son within paragraph 29 and 30 teaches claims 9, 18 and 27.** It is inherent within the use of public key infrastructure (PKI, involving a public & private key set) that each key would be uniquely assigned to a device, whether it is the host or the client. Only within symmetric key cryptography is the key not uniquely assigned to a device.

#### **Action is Final**

**4. THIS ACTION IS FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Conclusion**

**5.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TAGHI ARANI  
PRIMARY EXAMINER

*F114107*